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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,718	11/04/2003	In-Soo Jung	38841.00002.UTL1	7402
7590	06/14/2006		EXAMINER	
Paul, Hastings, Janofsky & Walker LLP P.O. Box 919092 San Diego, CA 92130			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,718	Applicant(s) JUNG, IN-SOO	
	Examiner Michael J. Kyle	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45 and 46 is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because it is unclear if the “internal surface” (lines 1-2) is the same “internal surface” recited in claim 1 (line 6). If it is, then it should be prefaced by “the” or “said”.
2. Claims 1-10 are objected to because it is unclear if the reinforcing mechanism is being claimed in combination with the external segment of a telescoping handle. While the mechanism function within an aperture of the external segment, it appears to be a separate physical piece. As best understood, the combination is being claimed, however, this should be made clear in the preamble. The preamble is presently directed only to the external segment. Examiner notes that in claim 11, where the preamble recites “a telescoping handle”, the combination is considered because this addresses the assembly as a whole. However, the preamble of claim is separating the assembly into its individual elements (external segment), thus it is unclear if the reinforcing mechanism is to be claimed in combination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 4-7, 10-11, 14-17, 20-22, 25-28, 31-34, 37-39, and 42-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Patent Application Publication 2002/0095745) in view of Pickles (U.S. Patent No. 1,031,024).

5. With respect to claims 1, 11, 27, 28, and 44, Wang discloses a telescoping handle having an external segment (30) with a hole (35) configured to receive a locking pin (22). The telescoping handle also includes an inner segment (20) with the locking pin (22). Wang discloses a plurality of telescoping handles, which are part of a transporting device. Wang does not disclose the reinforcing mechanism as claimed.

6. Pickles teaches a material with a hole, where the hole includes a reinforcement mechanism (12, 20). The reinforcing mechanism and hole receive a member. The reinforcement mechanism prevents the material from being damaged by member received in the hole. The reinforcing mechanism inherently distributes forces imparted by a member passing through it. Further, the reinforcing mechanism has a height substantially greater than the thickness of the element in which it is placed and resided flush with an internal surface (at 14). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wang as taught by Pickles, such that a reinforcement mechanism is included in the holes (35) of Wang, to prevent damage to the tube, or external member. One having ordinary skill in the art would also recognize when implementing the reinforcing mechanism into Wang, that it be sized and shaped to accommodate the locking pin of Wang, so that the reinforcing mechanism can serve its intended purpose.

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7. With respect to claims 4, 14, and 31, Pickles teaches the reinforcement mechanism to have a main body adjacent the hole (portion within the hole), a lower portion (12, 14) extending orthogonally from the main body and residing flush with the internal surface of the external element, and an upper portion (above 10, see figure 2) extending in a curve from the main body, the curvature residing adjacent to an exterior surface of the external segment.

8. With respect to claims 5, 15, and 32, the combination of Wang and Pickles shows the reinforcing mechanism (12, 20) to reside below, or radially within the internal surface of the external segment.

9. With respect to claims 6, 16, and 33, the combination of Wang and Pickles teaches the reinforcing mechanism to comprise a height selected to aid the distribution of forces imparted by the locking pin.

10. With respect to claims 7, 17, and 34, Pickles teaches the reinforcing mechanism (12, 20) to be of a second, stronger, material than the first material of the external segment (10).

11. With respect to claims 10, 26, and 43, the combination of Wang and Pickles teaches a plurality of holes (25 of Wang) and a reinforcing mechanism for each hole.

12. With respect to claims 20 and 37, Wang discloses the inner segment (20) to slide within the external segment (30) between an extended and collapsed position.

13. With respect to claims 21 and 38, Wang discloses the locking pin (22) is configured to engage the hole when the inner segment is in the extended position (at upper most hole 35)

14. With respect to claims 22 and 39, Wang discloses the locking pin is configured to engage the hole (22) when the inner segment is in the collapsed position (lower most hole 35)

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15. With respect to claims 25 and 42, Wang discloses an engagement mechanism “actuators” configured to allow the locking pin to be engaged and disengaged from the hole

16. Claims 2, 12, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Pickles as applied to claims 1, 11, and 28 above, and further in view of Huang (U.S. Patent No. 6,883,208). Neither Wang nor Pickles discloses the external surface to include a raised lip. Huang teaches a telescoping handle arrangement where the outer portion has an external surface with a raised portion (32) forming a shoulder. Increasing the thickness of a material is widely used to increase the strength at a specific point. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wang as taught by Huang to increase strength at a localized point.

17. Claims 8, 18, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Pickles as applied to claims 7, 17, and 34 above, and further in view of Byington (U.S. Patent No. 5,984,064). Wang is silent in regards the material the external segment is made from. Byington teaches an extensible handle for a piece luggage having external segments (25, 25') made of aluminum. Aluminum is desirable for weight considerations. It would have been obvious to one having ordinary skill in the art at the time of the invention to make the external segment of Wang from aluminum for weight considerations. It is desirable to make luggage of a lighter weight so that it may be more easily transported.

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18. Claims 9, 19, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Pickles as applied to claims 7, 17, and 34 above, and further in view of Cheraso et al (“Cheraso”, U.S. Patent No. 6,125,513). Pickles teaches the reinforcing mechanism to be made from sheet metal but does not specify stainless steel (page 2, lines 105-110). Cheraso teaches a mechanism where a metal component (16) is made from “sheet metal, typically stainless steel” (column 3, line 5). From this, it is clear that one having ordinary skill in the art would recognize that stainless steel is suitable when manufacturing items from sheet metal. It would have been obvious to one having ordinary skill in the art at the time of the invention to make the reinforcing mechanism of Pickles from stainless steel.

19. Claims 23, 24, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Pickles as applied to claims 11 and 28 above, and further in view of Friday (U.S. Patent No. 5,690,217). The combination of Wang and Pickles are silent regarding the composition of the locking pin. Friday teaches an extensible handle (60) with apertures (65, 67) that receive a pin (75) of a locking mechanism (74) to secure the handle in a desired position. The handle member (60) with apertures (65, 67) is analogous to the external segment of the claims. The pin (75) is made of stainless steel, and the handle member, or external segment, is made from plastics. Therefore, the locking pin (75) is made from a stronger material than the external segment. Such a configuration guards against deformation or damage to locking pin, which would harm the integrity of the mechanism. It would have been obvious to one having ordinary skill in the art at the time of the invention to construct the external segment and locking

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pin from the materials taught by Friday, in order to guard against deformation or damage to the locking pin.

20. Claims 1, 3, 11, 13, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of White (U.S. Patent No. 2,583,719). With respect to claims 1, 11, and 28, Wang discloses a telescoping handle having an external segment (30) with a hole (35) configured to receive a locking pin (22). The telescoping handle also includes an inner segment (20) with the locking pin (22). Wang discloses a plurality of telescoping handles, which are part of a transporting device. Wang does not disclose the reinforcing mechanism as claimed.

21. White teaches a material with a hole, where the hole includes a reinforcement mechanism (1) having a height substantially greater than a thickness of the external segment and residing flush with an internal surface (radially inner wall of hole) of the external segment. The reinforcing mechanism and hole receive a member. The reinforcement mechanism prevents the material from being damaged by member received in the hole. The reinforcing mechanism inherently distributes forces imparted by a member passing through it. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wang as taught by White, such that a reinforcement mechanism is included in the holes (35) of Wang, to prevent damage to the tube, or external member.

22. With respect to claims 2, 12, and 29, White teaches the reinforcing mechanism to comprise an eyelet.

23. With respect to claims 3, 13, and 30, White teaches the reinforcing mechanism to comprise a washer (W).

Allowable Subject Matter

24. Claims 45 and 46 are allowed.

Response to Arguments

25. Applicant's arguments filed March 31, 2006, have been fully considered but they are not persuasive. Applicant argues that Pickles does not show a reinforcing mechanism with a height substantially than the element in which it is placed. Examiner respectfully disagrees and notes that the mechanism of Pickles projects beyond both inner and outer surfaces of the element in which it is placed.

26. Applicant argues that Pickles fails to show a flush arrangement. Examiner respectfully disagrees. In Figure 2 of Pickles, near reference numeral 14, the mechanism appears to lie in the same plane as the element 10. Additionally, the term "flush" may also mean immediately adjacent or directly abutting, both of which are met by element 12.

27. Applicant argues that the combination of Wang and Pickles was improper because motivation is lacking. Examiner respectfully disagrees. Motivation is found in Pickles to reinforce apertures in articles to prevent damage. Applicant further argues that the result of the combination would be an inoperative handle as the washer of Pickles would interfere with the inner telescopic portion of the handle. Examiner disagrees and notes that one of ordinary skill in the art would recognize that a clearance would be necessary for proper functioning.

Conclusion

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28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mk


ROBERT J. SANDY
PRIMARY EXAMINER